

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

HODELL-NATCO INDUSTRIES, INC.,)	CASE NO. 1:08-CV-2755
)	
Plaintiff,)	JUDGE LESLEY WELLS
)	
v.)	
)	EXHIBIT RE-NUMBERING APPENDIX
SAP AMERICA, INC., et al.)	
)	
Defendants.)	

This Appendix is intended to clarify which Plaintiff's Trial Exhibits will be admissible at trial, either because either: (1) the Court has already overruled SAP's objections to them in its Order filed February 11, 2015 [ECF #279]; or (2) any objection by SAP has been waived under Fed.R.Civ.P. 26(a)(3)(B) by SAP's failure to object to them in its Exhibit List Objections filed October 7, 2014 [ECF #228].¹

Hodell's original Exhibit List was filed September 24, 2014 [ECF #211], identifying Trial Exhibit Numbers 1 through 293. The Court's Order regarding the admissibility of exhibits was filed February 11, 2015 [ECF #279] and referenced Hodell's using the numbers designated on ECF #211.

On February 17, 2015, per agreement of the parties, Hodell filed a revised Exhibit List [ECF #285] reflecting the numbering convention agreed to by the parties: any documents marked as an exhibit during a deposition would retain the deposition exhibit number, and any new exhibits identified by Hodell that were not marked at a deposition would be given a unique

¹ Fed.R.Civ.P. 26(a)(3)(B) provides: "Within 14 days after they are made, unless the court sets a different time, a party may serve and promptly file a list of the following objections: any objections to the use under Rule 32(a) of a deposition designated by another party under Rule 26(a)(3)(A)(ii); and any objection, together with the grounds for it, that may be made to the admissibility of materials identified under Rule 26(a)(3)(A)(iii). An objection not so made--except for one under Federal Rule of Evidence 402 or 403--is waived unless excused by the court for good cause."

exhibit number beginning with 600. Accordingly, in order to avoid any confusion, Hodell is submitting this Appendix of exhibits already determined to be admissible at trial, reflecting the prior exhibit number (i.e., the number referenced in the Court's Feb. 11, 2015 Order) and the new exhibit number reflected on Hodell's Trial Exhibit List.

I. EXHIBITS RULED ADMISSIBLE IN THE COURT'S FEBRUARY 11, 2015 ORDER [ECF#279]

Current Exhibit No. [ECF #285]	Prior Exhibit No. [ECF #211]	Description
38	5	SAP ROI Calculator
41	6	May 17, 2005 Letter
53	7	Email from Lowery 6-8-2006
69	11	Email string beginning with Lowery to Ziv 4-11-07
70	12	Elliot 4/13/07 Email
71	13	Van Leeuwen 7/30/04 Email
77	16	Ziv 4/15/07 Email
247	51	Ziv 4/25/07 Email
425	61	SAP Partner Branding Guide
118	83	Kraus 1/31/06 Email
25	116	"SAP B1 Effect on Productivity"
615	125	Compendium of SAP Annual Reports (2004 to present)
78	144	Email string beginning with Lowery 4-12-07
50	190	Email string beginning with Van Leeuwen 2-9-06
242	222	Power Point titled 'Update on B1 Business Cases'
243	223	Power Point titled 'SAP Business One 2006 Plan' 12-13-05

248	227	Power Point titled 'Quality Gate, planning to development' 1-12-06
250	228	Power Point titled 'Moving B1 Forward' 3-17-06
37	124	SAP Business One informational bulletin – except for handwritten notation

II. EXHIBITS TO WHICH SAP MADE NO OBJECTION IN ITS PRETRIAL FILINGS [ECF #228]

Current Exhibit No. [ECF #285]	Prior Exhibit No. [ECF #211]	Description
3	191	First Amended Complaint with Exhibits
9	1	Oct 14, 2004 IBIS Letter
11	2	IBIS-SAP Letter
18	112	Otto Reidl notes dated April 17, 2007
19	113	Otto Reidl notes dated May 11, 2007
24	94	Hodell Consolidated Financial Information
27	117	LSi Answer to First Amended Complaint
28	118	LSi Defendants' Answers to SAP Discovery Requests
29	3	IBIS Responses to Requests for Admission
30	219/92	SAP Business One software marketing and distribution agreement
32	120	SAP Business One Software Development License Kit
34	121	SAP Business One Press Fact Sheet October 2003
35	122	SAP Business One Partner Brief June 2004
36	123	SAP Business One Solution Brief

40	78	Lowery 11/2/03 Email
45	194	Hodell purchase order from IBIS 12-20-04
46	195	Invoice from IBIS 12-20-04
52	189	Email from Lowery 10-25-06
55	79	Woodrum 1/12/07 Email
59	132	Email string beginning with K. Reidl 3-8-07
61	133	Email string with attachment 9-19-07
66	9	Lowery 3/20/07 Email
68	141	Email string beginning with J. Woodrum 4-12-07
73	14	3/15/04 LSi Press Release
74	15	2005 B1 Lead Qualification Call Guide
76	143	Email string beginning with J. Woodrum 4-16-07
79	17	Lowery 4/16/07 Email
82	146	Email string beginning with O. Reidl 4-25-07
85	148	Email from Lowery 4-25-07
87	20	Lowery 5/14/07 Email
89	21	Killingsworth 6/6/07 Email
98	155	Email string beginning with Lowery 9-5-07
110	160	Email with attachment from Lowery 9-16-07
119	31	7/17/06 Sizing Transaction Volumes
122	176	SAP Business One sizing guide
124	33	SAP B1 Statement of Direction Release 2005
129	34	Statement of Direction SAP Business One

130	35	SAP Business Co-Innovation
131	36	SAP Business One Quick reference Guide
134	37	SAP Business Partner Coop Marketing Guide
151	272	Email 4/17/07 Ashley to Boesmann
155	245	12/20/05 IBIS Invoice
157	40	Kraus 4/16/07 Email
158	41	Mehnert-Meland 4/17/07 Email
159	42	Ashley 4/17/07 Email
160	43	Weiss 4/18/07 Email
161	44	Kraus 6/13/07 Email
162	45	Neveux 6/18/07 Email
163	46	Kraus 9/26/07 Email
166	183	Email from E. Neveux 10-17-07
169	185	Email string beginning with P. Killingsworth 10-11-07
176	188	Email string beginning with G. Ashley 12-22-05
178	50	Ashley 2/10/06 Email
180	86	Ashley 4/16/07 Email
226	274	E-Mail chain, 11/26/05, from Jon Woodrum to Kevin Reidl
227	89	Woodrum 12/22/06 Email
246	226	Email from G. Ashley 4-16-07
252	136	SAP maintenance schedule and software license agreement
253	52	Kraus 3/13/07 Email
258	201	Email string beginning with Killingsworth with attached license spreadsheet 9-13-07

262	54	Sotnick 10/31/07 Email
263	215	Email string with top from S. Fuerst 11-2-07
264	216	Email string with top from R. Woodson 12-4-07
266	172/218	Email string with top to P. Killingsworth 5-20-08
291	90	Development Agreement
294	57	Lowery 3/3/06 Email
299	257	Reidl January 2, 2007 email re Stress Tests
300	258	Reidl January 5, 2007 email re SAP Business Process Testing
301	259	Winn January 5, 2007 email re Stress Testing
402	60	Boessmann 4/24/07 Email
426	62	Killingsworth 10/22/07 Email
428	63	"Run With SAP Business One"
431	64	Killingsworth 4/26/07 Email
435	66	SAP Business One-Opportunity Qualification Tool
436	67	Opportunity Qualification Tool Advanced Topics
437	249	Killingsworth email to K. Reidl dated May 14, 2007
439	69	Boessmann 5/22/07 Email
441	70	Woodrum 6/8/07 Email
442	250	Barnea/Weis email dated July 8, 2007
445	162	Email string beginning with Killingsworth 10-9-07
446	72	Fuerst 9/27/07 Email
448	73	US Customer visits and Partner Event Aug 2005
450	165	SAP Business One SDK Performance Results
453	75	SAP B1 Signing Guide

456	242	Killingsworth Email to Sotnick 1/10/08
460	170	Email string beginning with Killingsworth 11-1-07
601	95	PCBC Asset Purchase Agreement and Documentation [HODL032366, HODL032253, HODL032254-032304]
602	96	Pinnacle Capital Top Ten Deals of the Year HODL040692- [HODL040703; HODL040710-HODL040729]
616		SAP B1 Solution Br. (A to First Amended Complaint)
618	128	SAP Business One Whitepaper (C to First Amended Complaint)
619	129	12/20/04 Purchase Order and Invoice (s E and F to First Amended Complaint)
621	253	Summary of Hodell P21 Expenditures While on Business One Beg. Bates No. HODL01388
622	254	Chart of SAP Business One Implementation Costs Beg. Bates No. HODL01400
623	255	Chart of Hodell Expenditures for P21 System Beg Bates No. HODL01451
625	260	SAP B1 Five Year Payback HODL040730-HODL040731
628	263	PCBC Tax Returns 2004-2008 HODL032305-HODL032360
629	264	PCBC Financial Statement Comparatives HODL032361- HODL032366
630	265	PCBC Income History HODL032367
631	266	Hodell-Natco Acquisition Impact on Net Sales and Income HODL032371- HODL032376
632	267	Hodell IT Cost Spreadsheet HODL032377
633	268	Hodell Booking and Sales Charts with Supporting Data HODL032401- HODL032451
634	269	Charts and Spreadsheet of Hodell Sales With and Without

		Acquisitions with Supporting Data HODL032452-HODL032484
637	282	Discovery responses (Interrogatories, Requests for Admission and Requests for Production of Documents) provided by Defendants SAP America, Inc. and SAP AG
638	283	Discovery responses (Interrogatories, Requests for Admission and Requests for Production of Documents) provided by Defendants LSI-Lowery Systems, Inc. and the IBIS Group, Inc.
639	284	Discovery responses (Interrogatories, Requests for Admission and Requests for Production of Documents) provided by Plaintiff Hodell-Natco Industries, Inc.

III. OBJECTIONS WITHDRAWN BY SAP [ECF#269]

Current Exhibit No. [ECF #285]	Prior Exhibit No. [ECF #211]	Description
92	23	Woodrum 7/14/07 Email
109	29	Sotnick 11/16/07 Email
244	138	SAP performance requirements definition document
314	59	SAP Business One Brief
420	237	2003 SAP Annual Report
421	238	2004 SAP Annual Report
422	239	2005 SAP Annual Report
423	240	2006 SAP Annual Report
424	241	2007 SAP Annual Report
600	93	Hodell Financial Statements Years Ended 2010 and 2009 [HODL030667-HODL030681]
603	97	Hodell Financial Statements for the Years Ended 2006 and 2007 [HODL030622-HODL030636]

604	98	Hodell Financial Statements for the Years Ended 2007 and 2008 [HODL030637- HODL030651]
605	99	Hodell Financial Statements for the Years Ended 2008 and 2009 [HODL030652- HODL030666]
609	103	SAP Business One 2007A Release Notes September 2006
611	105	SAP Business One Statement of Direction 2007, November 2006, version 2.0 released March 29, 2006
618	128	SAP B1 White paper (C to First Amended Complaint) formerly Ex. 128
619	129	12/20/04 Purchase Order and Invoice (E and F to First Amended Complaint) formerly Ex. 129
620	130	SAP B1 Procedure Manual dated October 2006.
644	289	To the extent necessary, any and all documents produced by Defendants SAP America, Inc. and SAP AG in discovery
645	290	To the extent necessary, any and all documents produced by Defendants SAP America, Inc. and SAP AG in discovery
646	291	To the extent necessary, any and all documents produced by Plaintiff Hodell-Natco Industries, Inc. in discovery

IV. MIL #5 – Denied and Exhibit Admitted

Current Exhibit No. [ECF #285]	Prior Exhibit No. [ECF #211]	Description
156	181	Email string beginning with J. Woodrum 4-16-07
251	229	Email from Gadi Shamia 3-13-06

V. MIL #7 – Denied and Exhibit Admitted

Current Exhibit No. [ECF #285]	Prior Exhibit No. [ECF #211]	Description
617	127	Devereaux 10/1/03 with American Express Edition Attachment

	(B to First Amended Complaint)
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**VI. HODELL EXHIBITS EXCLUDED IN THE COURT'S FEBRUARY 11, 2015
ORDER [ECF#279]**

Current Exhibit No. [ECF #285]	Prior Exhibit No. [ECF #211]	Description
33	4	Jan 2004 FKOM Notes
90	22	Lowery 6/6/07 Email
93	24	Lowery 7/27/07 Email
94	152	Email string beginning with Lowery 8-3-07
96	154	Email from Lowery 9-5-07
97	25	Lowery 9/5/07 Email
100	157	Email from Dan Lowery 9/14/07
104	28	Lowery 9/17/07 Email
115	161	Email from Lowery 9-26-08
116	175	Email string with attachment beginning with T. Singleton 10-8-08
121	198	SAP In-Flight development and Hodell-Natco implementation 3-16-06
152	243	Email string with 7/6/07 email from Lowery to Woodrum
175	199	Power Point beginning with Dan Carr, CDI
182	207	Email string beginning with Brian Jamieson 3-7-07
186	211	Email string beginning with Woodrum 3-12-07
245	225	Email from Kraus 4-13-07
254	212	Email string with top from D. Boessmann 3-16-07
403	202	Email string beginning with Killingsworth 4-10-07
429	137	Email string beginning with Daniel Ferenci starting 3-16-07
455	167	Email string beginning with Dan Lowery 5-11-07
458	169	Email string beginning with Ovadia 4-9-07

461	171	Email string beginning with Gillespie 1-14-08 with attachment SAP Business One best practice system setup and sizing
613	107	Presentation by Torsten Hopmeier, CIO Weidmüller dated March 2, 2006 “Business One – Entscheidungskriterien und Praxiserfahrungen”
614	108	Computer World Article available at http://www.computerwoche.de/a/weidmuellerlaesst-saps-business-one-einfuehren,554731
626	261	Hodell Reviewed Financial Statements 1998-2010
627	262	Hodell Monthly Income Statements 2002-2009
641	286	All financial records and documentation pertaining to Hodell-Natco Industries, Inc. produced by Plaintiff
642	287	All spreadsheets relating to Plaintiff’s damages previously produced and, to the extent necessary, all underlying financial records relating to such spreadsheets
643	288	All documents produced pursuant to subpoena by Accellos (including ACC0001 to ACC000422)
647	292	Expert Report of Dr. G. William Kennedy and supporting exhibits and schedules

VII. HODELL EXHIBITS WITH NO RULING FROM THE COURT, BUT OBJECTED TO BY SAP

Current Exhibit No. [ECF #285]	Prior Exhibit No. [ECF #211]	Description
60	8	Reidl 3/13/07 Email
67	10	Lowery 4/7/07 Email
83	19	Kraus 4/25/07 Email
84	147	Email string with K-Reidl 4/25/07
92	23	Woodrum 7/14/07 Email
173	47	Ashley 12/29/11 Email
174	48	Ashley 1/3/12 Email

177	49	Ashley 1/2/06 Memo
240	220	SAP Business One 'Sweet Spot' overview for partners
241	221	Email from Gilad Gruber 4-18-05
255	213	Email string with top from M. Sotnick 4-16-07
259	53	Sotnick 9/24/07 Email
261	214	Email string with top to M. Sotnick 10-1-07
267	55	Kraus 10/1/07 Email
447	163	Email string beginning with Gillespie 12-10-07
606	100	Compendium of Hodell Expenses Related to SAP Business One Costs (See attached Exhibit A: Kennedy Report Schedule 8) HODL040000- HODL040401
607	101	Compendium of all documents provided to and reviewed by Dr. G. William Kennedy
608	102	SAP Business One 2004C Release notes published May 2005
610	104	SAP Business One Statement of Direction January 2009
612	106	Presentation by Andreas Wolfinger, SAP AG, Vice President Head of Global Product Management June 2012
635	280	All documents relied upon by Dr. G. William Kennedy as identified in his Expert Report
636	281	All documents relied upon by Helmuth Guembel as identified in his Expert Report
640	285	All documents provided to and relied upon by the SAP Defendants' Expert witnesses
648	293	Expert Report of Helmuth Guembel and supporting documents and schedules